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The 30th July, 1971

No. DOL/HR/71/10977.—The Governor of Haryana is pleased to select the following persons as Judges for the supervision of the Daily Draw to be held on 31st July, 1971 :—

(i) Shri K. C. Gupta, Economic & Statistical Adviser to Government, Haryana, Chandigarh.

(ii) Shri J. N. Kakkar, Director, Research & Designs P.W.D., Haryana, Chandigarh.

J. R. DHINGRA,

Director of Lotteries-cum-Deputy Secretary

#### LABOUR DEPARTMENT

The 23th July, 1971

No. 8163-4Lib-71/23315.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Free Wheeles (India) Ltd, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 67 of 1971

*Between*

THE WORKMEN AND THE MANAGEMENT OF M/S FREE WHEELS (INDIA) LTD,  
FARIDABAD

*Present.—*

Nemo, for the workmen.

Shri D. C. Bhardwaj, for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the following dispute between the management of M/s Free Wheels (India) Ltd, Faridabad, and their workmen for adjudication to this Tribunal,—*vide* order No. ID/FD/168-B/17518-22, dated 7th June, 1971.

Whether gratuity scheme should be introduced in the factory ? If so, with what details and from which date ?

On receipt of the reference, usual notices were given to the parties and they were directed to put in their respective statements on 8th July, 1971. None appeared on behalf of the concerned workmen on that date nor was the statement of claim filed. The management put in the written statement pleading *inter alia* that the reference was barred under an existing settlement between the parties under section 12(3) of the Industrial Disputes Act, 1947. A copy of the memorandum of settlement was also filed.

Notice was again issued to the union leader along with the copy of the alleged settlement between the parties but he has again failed to appear in spite of service nor has the statement of claim been filed on behalf of the workmen denying the alleged settlement. In the circumstances, it has to be presumed that the plea of settlement raised on behalf of the management is correct and the workmen are not interested in proceeding with the present dispute.

Statement of Shri Uday Singh, Personnel Officer of the management has been recorded. He has brought with him the memorandum of settlement in original of which Ex. M. W. 1/1 is a true copy. According to this settlement, it has been agreed between the parties that the gratuity scheme as and when enforced by law by the State or the Central Government shall be introduced by the present management also. The memorandum of settlement which has to remain in force for three years has been signed by 10 representatives of the workmen who had raised the demand,—*vide* demand notice dated 1st May, 1971, Ex. M. W. 1/2 and had been authorised to enter into the settlement with the management,—*vide* authority letter Ex. M. W. 1/3 which purports to have been signed by all the workmen of the establishment.

In view of the above, no further proceedings are called for in the case and a 'No dispute' award is given but without making any order as to costs.

O. P. SHARMA,

Dated 22nd July, 1971.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 80, dated the 23rd July, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 22nd July, 1971.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 8161/4Lab-71/25323.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Kundli Engineering Industries (P) Ltd., Kundli, post office Narela.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 48 of 1969

*Between*

SHRI DALIP SINGH WORKMAN AND THE MANAGEMENT OF M/S KUNDLI ENGINEERING INDUSTRIES (P) LTD., KUNDLI, POST OFFICE NARELA

Present.—

Shri Dalip Singh, concerned workman.

Shri J. M. Dutta with Shri S.L. Gupta, for the management.

#### AWARD

An industrial dispute existing between the management of M/s Kundli Engineering Industries (P) Ltd., Kundli, post office Narela and their employee Shri Dalip Singh, was referred for adjudication to this tribunal, — *vide* order No. ID/RK/109-B/27890-94, dated 13th October, 1969, of the Governor of Haryana, in exercise of the powers conferred under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

Whether the termination of services of Shri Dalip Singh was justified and in order. If not, to what relief is he entitled?

On receipt of the reference usual notices were given to the parties and they put in their respective written statements. It is, however, not necessary to go into the merits of the case as the parties have arrived at an amicable settlement. Their statements have been recorded. Shri Dalip Singh concerned workman has since started his own independent business he has given up his right of reinstatement or re-employment and has received payment of Rs 1,000 in full and final settlement of his entire claims against the management, — *vide* receipt Ex. M-1 with the result that there is now no dispute left between the parties.

In view of the above settlement which is apparently fair and reasonable a 'No dispute' award is made, as desired by the parties. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

Dated 23rd July, 1971.

No. 802, dated 23rd July, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated, 23rd July, 1971.

Presiding Officer,

Industrial Tribunal, Haryana,  
Faridabad.

**No. 8162-4Lab-71/25325.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Rohtak General Transport Co. (P) Ltd; Rohtak.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD |**

**Reference [No. 8 of 1969**

*between*

**THE WORKMAN AND THE MANAGEMENT OF M/S ROHTAK GENEKAL TRANSPORT  
CO. (P) LTD; ROHTAK**

*Present:—*

Shri S. N. Vats, for the Workman.

Shri Chanchal Singh., for the management.

#### **AWARD**

An industrial dispute existing between the management of M/s Rohtak General Transport Co. (P) Ltd; Rohtak and their workmen, namely, Sarvshri Ram Kumar, Kam Chander, Jagdish Chander, Amar Nath, Piare Lal, Chander Dutt, Jagar Singh, Ram Randa, Parmeshwari Dass, Deep Chand, Om Parkash, Madan Lal, Parash Ram, and Krishan Lal, was referred for adjudication to this Tribunal by the Governor of Haryana,—vide order on ID/1851-55, dated 23rd January, 1969, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference.

Whether the following workers are entitled to commission on booking @ 3% as is being given to other drivers and conductors of the company. If so, with what details and from which date.

1. Shri Ram Kumar,
2. Shri Ram Chander,
3. Shri Jagdish Chander,
4. Shri Amar Nath,
5. Shri Piare Lal,
6. Shri Chander Dutt,
7. Shri Jagar Singh,
8. Shri Ram Randa,
9. Shri Parmeshwari Dass,
10. Shri Deep Chand,
11. Shri Om Parkash,
12. Shri Madan Lal,
13. Shri Parash Ram,
14. Shri Krishan Lal.

On receipt of the reference notices were given to the parties to put in their respective statements. The statement of claim on behalf of the concerned workmen was filed on 3rd March, 1969 with the allegations that the financial position of the respondent company had all along been very sound as it had throughout been making huge profits, that the drivers and conductors of the company had been getting 3% commission on booking but the payment of the commission to the aforesaid 14 drivers and conductors had been withheld by the management without any rhyme or reasons and hence their claim for payment of the same.

In the written statement filed on behalf of the management on 10th March, 1969, the above allegations of the workmen were controverted and it was urged that the respondent company had been running into losses and was under debt amounting to Rs. 2,50,000. With regard to the claim of the workmen for 3% bonus on booking the stand taken by the management was that no such commission had ever been paid by the company nor was the management legally bound to pay the commission as claimed by the workmen. It was further urged that on account of losses suffered the management had decided to split the company into three separate groups,—*vide* agreement dated 1st August, 1968. A copy of the said agreement was filed along with the written statement. The following issue was framed by my learned predecessor on 18th March, 1969.

Whether the applicant workmen are entitled to commission on booking? If so, at what rate?

On 25th April, 1969 an application was moved on behalf of the management that excepting three workmen the rest had settled their dispute with the management. The statement of Shri Tara Chand, Director Incharge Rohtak General Transport Company 'C' Group was recorded and the copy of the application moved by him was furnished to the authorised representative of the workmen who filed his reply on 25th August, 1969 admitting that out of 14 concerned workmen 11 had settled their dispute with the management and he had no instructions to pursue the case on their behalf. His statement was recorded and according to him only Sarvshri Madan Lal, Parash Ram and Krishan Lal wanted to proceed with their claim in the present reference. The following additional issues were framed by my learned predecessor on 26th August, 1969.

1. Whether the respondent Company is running at a loss? If so, what is its effect?
2. Whether the respondent company has been divided in two groups and what is its effect?
3. Whether the demand was not supported by the majority of the workers and, therefore, the reference is invalid?

Shri Tirath Ram Conductor M/s Rohtak Gohana Bus Service Rohtak, appeared on behalf of the workmen on 5th November, 1969 and stated that a meeting of the workmen had been held on 15th September, 1968 and a resolution had been passed to raise the demand the subject matter of the present reference,—*vide* copy Exhibit W. W. 1/1.

On behalf of the management Shri Tara Chand stated that the respondent company had suffered loss of Rs 91682. 22 Np. as per entries in the cash book and the company had been split up in three separate groups and that the concerned workmen belonged to 'C' and out of 14 workmen only three were contesting the claim for the commission. In cross-examination it was stated by him that he was in overall charge of 'C' group without separate General Manager. He closed his evidence in the affirmative after filing the balance sheet and the profit and loss account statement for the period ending 31st December, 1967.

On 18th August, 1970 the date fixed for evidence in the case, none appeared on behalf of the management and *ex parte* evidence was recorded by my learned predecessor. Sarvshri Madan Lal Driver and Krishan Lal Conductor coming into the witness box as W. W. 1, W. W. 2, deposed that 3% commission on booking was being paid to the other drivers and conductors but they had been deprived of the same by the management without any rhyme or reasons.

The *ex parte* proceeding against the management were set aside subject to the payment of Rs. 30/- cost,—*vide* order dated 19th October, 1970 of my learned predecessor. Sarvshri Parash Ram, Madan Lal and Krishan Lal workmen made their statements reiterating their above claim for 3% commission on booking. While Sarvshri Madan Lal and Krishan Lal admitted that the company had been split into three groups A, B, C, Shri Parkash Ram has expressed ignorance about this fact. It was stated by all of them that out of the total number 40 or 45 workmen 10 or 15 not getting the commission in dispute.

In rebuttal, the management has examined two witnesses, namely Shri Kanwal Parshad Mehta Ex-Director M/s Rohtak General Transport Company Group B Rohtak M. W. 1 and Shri Tara Chand, Director in charge of the respondent company C group at Hansi M. W. 2. According to the sworn testimony of both the witnesses the commission asked for by the present claimants had never been paid to any of the workers nor had there been any agreement between the parties regarding the payment of this commission. M. W. 1 Shri Kanwal Parshad Mehta has, however, admitted that he had given the commission to the workers of his group B for some period with a view to give them incentive for work and the payment of the commission had been discontinued after 7 or 8 months under notice to the Secretary of the union and copy

of the notice had been sent to the Labour Commissioner also. It has further been stated by the M. W's. that Rohtak General Transport Company had been split into three groups A, B and C,—*vide* agreement dated 29th July, 1968,—*vide* copy Exhibit M. W. 2/1. Shri Tara Chand M. W. 2 has further deposed that as a result of nationalisation of the road transport by the State Government, some route permits had already been withdrawn and the rest were also going to be with-drawn in due course, the total coverage of 713 miles of group 'C' having been reduced by about 300 miles.

Arguments have been heard and I have given due consideration to the facts on record. Nothing worth consideration have been urged on behalf of the management with regard to the additional issues Nos. 1, 2 and 3 so as to have any important bearing on the demands of the workmen for the grant of the commission which is the subject matter of the present reference. The Rohtak General Transport Company Rohtak was no doubt divided in three groups A, B and C,—*vide* agreement dated 29th July, 1968 and it is common ground between the parties that the present claimants belong to C group working at Hansi under the control and management of Shri Tara Chand M. W. 2 but the mere fact of the splitting up of the company in three groups would not be a good ground to deprive the present claimants of the commission asked for if they were otherwise entitled to the same. Similarly it is not the case of the management that the payment of the commission in this puit has been stopped as a result of the losses alleged to have been incurred by the company nor has the plea of losses been substantiated by any satisfactory and convincing evidence. That disposes of the issues Nos. 1 and 2 which are decided against the management.

The management had further taken a preliminary objection in the written statement that the present demand had not been supported by the majority of the workers and was, therefore, not an industrial dispute within the meaning of the law. The management has not led any definite evidence to show the exact number of workmen but from the statements of the workmen examined in the case, it appears that there are in all 40 to 50 workmen of this company. A perusal of the resolution dated 16th September, 1968 Exhibit M.W. 1/1 proved by the workmen would show that atleast 20 of the workmen had passed the resolution to raise the demand in question on the management on behalf of the 14 workmen to whom the commission had not been paid. In the circumstances, it could not be held that the present dispute had not been raised or sponsored by the sufficient number of the workmen to give it the nature of an industrial dispute. The learned representative of the management has not been able to satisfy to the contrary. Additional issue No. 3 is, therefore, decided against the management.

Now, with regard to the main issue involved in the case as per the term of reference, there being no agreement or award between the parties to support the present claim for the grant of the commission in dispute, the burden was naturally upon the concerned workmen to establish the same by some definite, cogent and convincing evidence. This demand was originally put forward by 14 workmen named above out of whom 11 have already with-drawn their claim under some settlement with the management and Shri S. N. Vats the learned authorised representative of the workmen has admitted this fact. The rest of the workmen namely Sarvshri Madan Lal, Parash Ram and Krishan Lal who have not with-drawn the claim have brought no independent and reliable evidence to support the claim except for making their own bald statements that the drivers and conductors had been getting 3% commission on booking for the last about two years but the same had been denied to them. There is no other evidence, documentary or oral, to corroborate the above version. If any such commission had actually been paid to these or other workers of the company, receipts should have been obtained from them and regular accounts maintained by the management with regard there-to. The management was not called upon to produce any such accounts nor was Shri Tara Chand the Director Incharge of the C group at Hansi questions on this point. It has no doubt come in the statement of Shri Kanwal Parshad Mehta M. W. 1 that he had paid 3% commission to the workers of his group B for some period. None of those workers even has been examined to support the claim of the present workers. As already observed, there are about 40 to 50 workers but none has come forward to support the three remaining claimants, 11 out of the 14 workmen who had originally raised the demands having already with-drawn claim.

So, after giving a careful consideration to the facts on record, it has to be held that the claim of Sarvshri Madan Lal, Parash Ram and Krishan Lal for 3% commission on booking is not well founded. The respondent company would have been well advised to introduce the payment of this commission to the drivers and the conductors with a view to give them incentive for work as had been done by the management of the B group but this being after all not a condition of their service under any contract of their employment, the management could not be legally compelled to accede to this demand of the workmen. The position has been made all the more difficult on account of the nationalisation of the road transport by the State Government and the consequent with-drawn of some of the route permits.

For the reasons aforesaid the issue is decided against the workmen and it is held that they are not entitled to the commission asked for. The award is accordingly made but without any order as to costs.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 802, dated the 23rd July, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 23rd July, 1971.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 7854-4Lab-71/25726.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Cornfield Industries, Haili Mandi (Gurgaon).

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 183 of 1970

*between*

SHRI HARNA WORKMAN C/O PRESIDENT, ENGINEERING MAZDOOR UNION,  
GURGAON CANTT. AND THE MANAGEMENT OF CORNFILED INDUS-  
TRIES, HAILI MANDI (GURGAON)

Present:—

Shri C. B. Kaushik, for the workman.

Shri Padam Kishore, for the management.

#### AWARD

Shri Harna was in the service of M/s Cornfield Industries, Haili Mandi (Gurgaon). According to the workman his services were wrongfully terminated on 6th May, 1970 and later on his name was removed from the rolls of the factory on 31st May, 1970 this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/GG/69-B/30023, dated 24th September, 1970:—

“Whether the termination of services of Shri Harna was justified and in order ? If not; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The case of the management is that the applicant Shri Harna worked in the respondent factory only upto the mid-day of 5th May, 1970 and then went away and never turned up again. It is denied that the notice of demand was received. The pleadings of the parties gave rise to the following issues:—

1. Whether the workman only worked upto mid-day of 5th of May, 1970 and thereafter went away and never turned up again to work in the factory ?
2. If so whether the workman raised an industrial dispute by giving any formal notice of demand which was rejected by the management ?
3. Whether the management terminated the service of the workman on 6th May, 1970 and later on removed his name from the rolls of the factory on 31st May, 1970 ?
4. If the above issues are proved in favour of the workman whether the termination of services of Shri Harna, was justified and in order ? If not; to what relief is he entitled ?

*Issue No. 1.*—The management have produced two witnesses namely Shri Rama Nand, workman and Shri R. D. Yadav, Manager. Both the witnesses say that the applicant Shri Harna worked only up to the forenoon of 5th May, 1970 and in the later part of the day he did not report for duty. Shri Yadav further says that the applicant came on the morning of 6th of May, 1970 and made an oral request for leave for 10 or 12 days. He was told that such a long leave could not be granted and the applicant then agreed to take 3 days leave but after the expiry of the leave he did not report for duty.

Shri Yadav further says that Shri Rama Nand, workman M. W. 1 was sent to call the applicant but Rama Nand reported that the applicant was not interested in coming back to duty. Shri Rama Nand corroborates this version. The workman has not led any evidence in rebuttal. He has not even appeared as a witness in support of his case. His representative Shri C. B. Kaushik has made a statement that he has no instructions from the workman. Under these circumstances there is no reason to disbelieve the version of the management. I find this issue in favour of the management.

*Issue No. 2.*—The representative of the management had made a statement that he does not press this issue,

*Issue No. 3.*—No evidence has been led in support this issue. I, therefore, find this issue against the workman.

*Issue No. 4.*—This issue does not arise in view of my findings above.

The result of my findings above is that it is proved that the workman himself abandoned his service and he is not entitled to any relief. I give my award accordingly. No order as to costs

P. N. THUKRAL,

Dated 15th July, 1971.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 1402, dated Rohtak, the 16th July, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 7861-4Lab-71/25128.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s. Pandit Bros., Bahadurgarh (Rohtak).

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK.

Reference No. 39 of 1971

*between*

SHRI KANSHI RAM, C/o PRESIDENT, BAHADURGARH POTTERIES & GENRAL LABOUR UNION, BAHADURGARH (ROHTAK) AND THE MANAGEMENT OF M/S PANDIT BROS., BAHADURGARH (ROHTAK)

Present :—

Shri Sagar Ram Gupta, for the workman.

Nemo for the management.

#### AWARD

Shri Kanshi Ram was in the service of M/s. Pandit Bros., Bahadurgarh. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/RK/99B-70/dated 25th February, 1971 :—

“Whether the termination of services of Shri Kanshi Ram was justified and in order. If not ; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman. No body appeared on behalf of the management although his service was duly effected by registered post. The ex parte evidence of the workman was, therefore, recorded. The workman has stated that he joined the respondent company as Hamerman at the rate of Rs. 100 P.M. and remained in their service for 3 years. It is alleged that the management terminated his service on 2nd November, 1970 because he became a member of the union, and he was not given any notice to show cause before terminating his service. Ex. M. 1 is the copy of the demand notice to which the management did not give any reply. It is, thus satisfactorily established that the termination of the services of Shri Kanshi Ram was not justified and in order and he is entitled to be re-instatement with continuity of service and full back wages. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated 13th July, 1971

No. 1372, dated Rohtak, 14th July, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 7860-4Lab-71/25370.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/S. Indian Motor Transport Co. (P) Ltd., Karnal.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER LABOUR COURT  
HARYANA, ROHTAK

Reference No. 36 of 1971

between

SHRI MANI RAM, WORKMAN C/O THE KARNAL GENERAL TRANSPORT WORKERS UNION,  
REGD. H. NO. C-226, MOHALLA GOSIAN, KARNAL, AND THE MANAGEMENT OF  
M/s INDIAN MOTOR TRANSPORT Co. (P) Ltd., KARNAL.

Present :—

Shri Harbans Lal, for the workman.

Nemo, for the management.

#### AWARD

The Governor of Haryana, in exercise of the powers conferred on him by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has been pleased to refer the following Dispute to this Court for adjudication,—*vide* Govt. Gazette Notification No. ID/8184, dated 19th February, 1971 :—

“Whether the termination of Shri Mani Ram, Driver was justified and in order ? if not; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties. It is, however, not necessary to decide the case on merits because the representative for the workman has stated that the workman has died. The reference has, therefore, automatically lapsed.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

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No. 1373, dated Rohtak, the 14th July, 1971.,

Forwarded (four copies) to Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 29th July, 1971

No. 8221-4-Lab-71/25318.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Karnal General Labour Co-operative Transport Society, Ltd., Karnal.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 14 of 1970

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S KARNAL GENERAL LABOUR  
CO-OPERATIVE TRANSPORT SOCIETY LTD., KARNAL

*Present :*

Shri Harbans Lal, for the workmen.

Shri Harbans Singh, for the management.

#### AWARD

Some industrial disputes existing between the management of M/s Karnal General Labour Co-operative Transport Society Ltd., Karnal and their workmen were referred for adjudication to this Tribunal *vide*—order No. ID/1699-1703, dated 22nd January, 1970 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following terms of reference.

- (a) Whether the workmen are entitled to the grant of bonus for the year 1968-69 ? If so, what should be the quantum of bonus and terms and conditions of its payments ?
- (b) Whether Shri Jagdish Mitter, Driver should be given commission @ Rs 4 per day with effect from 3rd March, 1969 ? if so; with what other details ?

On receipt of the reference usual notices were given to the parties and they filed their respective written statements. The management contested the demands of the workmen pleading inter alia that the claim for bonus was not covered under the payment of Bonus Act and further that the dispute had not been properly espoused. The parties have led their evidence for and against the issues involved in the case.

It is, however, not necessary to go into the merits of the case as the parties have arrived at an amicable settlement according to which the workmen have given up their demand for bonus for the year 1968-69 and the management has agreed to pay Rs 100 to Shri Jagdish Mitter Driver, who is no longer in their service, in lieu of the amount of commission claimed by him. Statements of the parties have been recorded. They want an award to be made in terms of the above settlement.

I have heard the parties and considered the facts on record. The settlement arrived at between the parties as stated above appears to be fair and reasonable. There is now no dispute left between the parties. The award is accordingly made in terms of the settlement referred to above and Shri Jagdish Mitter Driver, is entitled to Rs 100 in all in view of the amount of commission claimed by him with effect from 3rd March, 1969. The claim of the workmen for grant of bonus for the year, 1968-69 shall stand dismissed as withdrawn. In the circumstances, there shall be no order as to costs.

Dated the 23rd July, 1971.

O.P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 808, dated the 26th July, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Dated the 23rd July, 1971

Industrial Tribunal, Haryana, Faridabad.

B. L. AHUJA,

Commissioner for Labour & Employment and Secy.

**TOWN AND COUNTRY PLANNING DEPARTMENT**

The 5th August, 1971

**No. 4686-VDP-71/3442.**—With reference to Haryana Government Notification No. 4686-VDP-71/2588, dated the 9th/14th June, 1971 published in HARYANA GOVERNMENT GAZETTE, dated 22nd June, 1971 and in exercise of the powers conferred by sub-section 7 of the section 5 of the Punjab Scheduled Roads and Controlled Areas, Restriction of Unregulated Development Act, 1963, the Governor of Haryana is pleased to publish the final amendment of the Development Plan of Sonepat Controlled Area Notification,—*vide* Haryana Government Notification No. 1243-VDP-69/992, dated 10th/17th February, 1969 published in HARYANA GOVERNMENT GAZETTE, dated the 18th June, 1969, along with the explanatory Note given in annexure 'B':—

**EXPLANATORY NOTE**

"The Development Plan for Sonepat Controlled Area Part I and II was published in HARYANA GOVERNMENT GAZETTE, on 18th March, 1969, the following relaxation clause shall be incorporated in Annexure 'B', after clause XVII in respect of the structure constructed before the material dt. and in cases of hardship as under:—

(XVII). Government may in cases of hardship or with a view to save any structures constructed before the material date, relax any of the provisions of the Development Plan on principles of equity and justice on payment of such development charges and on such conditions as it may deem fit to impose.

M. L. BATRA,

Financial Commissioner, Revenue and Secy.

**REVENUE DEPARTMENT**

The 29th July, 1971

**No. 3562-ELH-71/21832.**—In exercise of the powers conferred by section 27 of the Land Revenue Act, 1887 the Governor of Haryana is pleased to confer upon Sarvshri Raghunath Rai and Raghbir Sarup, Colony Naib-Tehsildars, Chandigarh, the powers of Assistant Collector, 2nd grade under the said Act within the limit of Haryana State for effecting the recovery of Government dues on account of sale plots and leased land.

DAMODAR DASS, Secy.

**DEVELOPMENT AND PANCHAYAT DEPARTMENT**

The 30th July, 1971

**No. 3508-BAPV/71/4900.**—In further modification of this Department Notification No. 4930-BAPV-69/4227, dated the 3rd November, 1969, the Governor of Haryana is pleased to order that Deputy Secretary, Development will act as Convenor and Secretary to the Committee in place of the Joint Secretary, Development. He will also countersign the T.A. bills of the Members of the Parliament and non-officials.

N. K. S. JHALA,

Deputy Secretary.